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SENDER INFO	From:	C. Brandon Browning	Telephone #:	(205) 930-5141
	Location:	Birmingham	Fax #:	(205) 930-5101

MESSAGE	<u>Response to Office Action attached re: 10/699,421</u>

Number of Pages (Including Cover Sheet): 5

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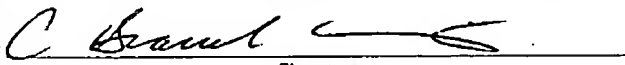
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AMENDMENT TRANSMITTAL LETTER (Small Entity)					Docket No. 047040-00001	
Applicant(s): Eddie Lane Smitherman						
Application No. 10/699,421	Filing Date 10/31/2003	Examiner C.T. Blake	Customer No. 26359	Group Art Unit 3724	Confirmation No. 2070	
Invention: TREE TRIMMER						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is an amendment in the above-identified application.						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	54 -	54 =	0	x \$25.00	\$0.00	
INDEP. CLAIMS	7 -	7 =	0	x \$100.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 501346 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 _____ Signature			Dated: 5/17/2005			
C. Brandon Browning, Reg. No. 44,570 Sirote & Permutt, P.C. PO Box 55727 Birmingham, AL 35255-5727 205-930-5141 Fax: 205-930-5101			<div style="border: 1px solid black; padding: 5px;"> I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence </div>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of)	
)	
Eddie Lane Smitherman)	Examiner: Carolyn T. Blake
)	
U.S. Serial No. 10/699,421)	Group Art Unit: 3724
)	
Filed: October 31, 2003)	Confirmation No. 2070
)	
For: TREE TRIMMER)	

Post Office Box 55727
Birmingham, Alabama 35255-5727
May 17, 2005

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE

Madame:

This is in response to the Office action mailed May 4, 2005.

The examiner requires restriction to one of the following inventions pursuant to 35

U.S.C. §121:

- I. Claims 1-20, 28-37, and 48-52 drawn to a tree trimmer, classified in class 30, subclass 388.
- II. Claims 21-27, drawn to a support system, classified in class 248, subclass 637.

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III. Claims 38-41 and 53-54, drawn to a method of trimming, classified in class 83, subclass 13.

IV. Claims 42-47, drawn to a method of converting an existing means of transportation into a tree trimming apparatus, classified in class 30, subclass 123.

In reply to the restriction requirement of May 4, 2005, applicant elects Invention I, claims 1-20, 28-37 and 48-52, drawn to a tree trimmer, classified in class 30, subclass 388.

In view of applicant's election of Invention I above, the examiner further requires restriction to one of the following patently distinct species:


V. A tree trimmer wherein linear movement is prevented between the boom and the arm: and

VI. A tree trimmer wherein pivotal movement is prevented between the boom and the arm.

In response thereto, applicant elects Invention V, as described in claims 2, 28-37 and 51.

Respectfully submitted,

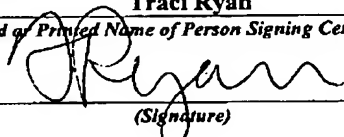
SIROTE & PERMUTT, P.C.

By: 
C. Brandon Browning
Reg. No. 44,570
205-930-5141

CBB:tr

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Eddle Lane Smitherman			047040-00001
Application No. 10/699,421	Filing Date 10/31/2003	Examiner C.T. Blake	Group Art Unit 3724
Invention: TREE TRIMMER			
<p>I hereby certify that this <u>Response to Office Action, authorization to charge deposit account</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>5/17/2005</u> (Date)</p> <p style="text-align: center;"><u>Traci Ryan</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: center;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV02